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7 POLICE DEPARTMENT, CHIEF WAYNE  
TUCKER, SGT. BERNARD ORTIZ

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10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**  
12 **SAN FRANCISCO DIVISION**

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MIGUEL ORTEGA, BENJAMIN ORTEGA,

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Plaintiffs,

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v.

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CITY OF OAKLAND, OAKLAND POLICE  
DEPARTMENT, WAYNE TUCKER, In His  
Capacity as the Police Chief of the City of  
Oakland, RAMON J. ALCANTAR, Individually  
and in his capacity as a Police Officer for the  
City of Oakland, B. ORTIZ, Individually and in  
his capacity as a Police Officer for the City of  
Oakland, DOES 1 THROUGH 200,

Defendants.

Case No. C-07-02659 (JCS)

**DECLARATION OF ERSIE JOYNER IN  
SUPPORT OF DEFENDANTS' MOTION  
FOR PARTIAL SUMMARY JUDGMENT**

Date: September 19, 2008  
Time: 9:30 a.m.  
Dept.: Courtroom A, 15th Floor  
The Honorable Joseph C. Spero

I, Ersie Joyner, declare:

1. I am employed by the City of Oakland as a Lieutenant in the

Homicide Division Division of the Oakland Police Department. I have been employed by  
OPD for 17 years. I have personal knowledge of the matters stated herein and could

1 competently testify thereto if called as a witness in this matter.

2. As Lieutenant of Homelands I am responsible for All

DEATH INVESTIGATIONS.

3. Each day at OPD the Officers show up for line up at 7:30 a.m. or 9:00 a.m., 12:00  
4 p.m., and 1:00 p.m. where they receive their assignments for the day. The line-up detail contains  
5 information regarding each officer's name, unit number, serial number and assignment and is kept  
6 in written form during the normal course of business. I am familiar with the procedures used by  
7 OPD to maintain daily line-up detail records.

8. Attached as Exhibit "A" to my declaration is a true and correct copy of the line-up  
9 detail for May 7, 2006 for the Cinco De Mayo Festival.

10. Defendant Officers Alcantar and Ortiz are listed under the 1:00 p.m. line-up as  
11 assigned to the Blue Delta Team to patrol the areas between Foothill Blvd., Bancroft Avenue, High  
12 Street and 73<sup>rd</sup> Avenue. Alcantar and Ortiz were assigned to drive police vehicle unit number  
13 20A61.

14. Alcantar's and Ortiz's assignment did not include the issuance of a Taser. Tasers are  
15 issued to certain officers on certain assignments. If the detail does not indicate that the officer is to  
16 be issued a taser, one was not issued to them. The line-up detail for Alcantar and Ortiz indicates  
17 that tasers were not issued to them on May 7, 2006.

18. I declare under penalty of perjury under the laws of the State of California and United States  
19 of America that the foregoing is true and correct.

20. Executed this 8 day of August, 2008, at Oakland, California.

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23. ERSIE JOYNER  
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